

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

The Woodlands Pride, Inc.; Abilene
Pride Alliance; Extragrams, LLC; 360
Queen Entertainment LLC; Brigitte
Bandit,

Plaintiffs,

v.

Civil Action No. 4:23-cv-02847

Angela Colmenero, in an official
capacity as Interim Attorney General of
Texas; Montgomery County, Texas;
Brett Ligon, in an official capacity as
District Attorney of Montgomery
County; City of Abilene, Texas; Taylor
County, Texas; James Hicks, in an
official capacity as District Attorney of
Taylor County; Delia Garza, in an
official capacity as County Attorney of
Travis County; Joe D. Gonzales, in an
official capacity as District Attorney of
Bexar County,

Defendants.

**PLAINTIFFS' AGREED MOTION TO AMEND CASE STYLE AND
CAPTION**

The Woodlands Pride, Inc., Abilene Pride Alliance, Extragrams, LLC, 360
Queen Entertainment LLC, and Brigitte Bandit (collectively, "Plaintiffs"), file this

Agreed Motion to Amend Case Style and Caption (“Motion”) in the above-captioned matter (the “Matter”) to reflect the current and correct names of all Defendants. On August 2, 2023, Plaintiffs brought suit against Defendant Angela Colmenero in her official capacity as Interim Attorney General of Texas, as well as other Defendants. Dkt. 1. The Court held a consolidated injunction hearing and trial on the merits on August 28 and 29, 2023, and issued temporary restraining orders against Defendant Angela Colmenero, in an official capacity as Interim Attorney General of Texas, and other Defendants, on August 31, 2023, Dkt. 75, and September 13, 2023, Dkt. 89.

On September 17, 2023, the Texas Senate concluded the impeachment trial of Warren Kenneth Paxton, enabling him to resume his official duties as Attorney General of Texas. Because the Interim Attorney General was sued in her official capacity, Plaintiffs’ claims against her run against the office of Attorney General and Warren Kenneth Paxton is now the properly named Defendant. *See* Fed. R. Civ. P. 25(d) (authorizing automatic substitution of successive officeholder when a public official is sued in an official capacity).

Plaintiffs request the Court modify the style and caption of the Matter from:

The Woodlands Pride, Inc.; Abilene Pride Alliance; Extragrams, LLC;
360 Queen Entertainment LLC; Brigitte Bandit,

Plaintiffs,

v.

Angela Colmenero, in an official capacity as Interim Attorney General of Texas; Montgomery County, Texas; Brett Ligon, in an official capacity as District Attorney of Montgomery County; City of Abilene, Texas; Taylor County, Texas; James Hicks, in an official capacity as District Attorney of Taylor County; Delia Garza, in an official capacity as County Attorney of Travis County; Joe D. Gonzales, in an official capacity as District Attorney of Bexar County,

Defendants.

to:

The Woodlands Pride, Inc.; Abilene Pride Alliance; Extragrams, LLC; 360 Queen Entertainment LLC; Brigitte Bandit,

Plaintiffs,

v.

Warren Kenneth Paxton, in an official capacity as Attorney General of Texas; Montgomery County, Texas; Brett Ligon, in an official capacity as District Attorney of Montgomery County; City of Abilene, Texas; Taylor County, Texas; James Hicks, in an official capacity as District Attorney of Taylor County; Delia Garza, in an official capacity as County Attorney of Travis County; Joe D. Gonzales, in an official capacity as District Attorney of Bexar County,

Defendants.

Amending the case style and caption at this time will alleviate the possibility of confusion and allow the Court to enter accurate orders regarding this case in the future. Plaintiffs hereby respectfully request that the Court grant the Motion and direct the clerk to amend the docket and the Court's style and caption in the Matter to reflect the proper Defendant substitution.

Respectfully submitted,

By: /s/ Brian Klosterboer

Brian Klosterboer, *attorney-in-charge*

TX Bar No. 24107833

SDTX No. 3314357

Chloe Kempf

TX Bar No. 24127325

SDTX No. 3852674

Thomas Buser-Clancy

TX Bar No. 24078344

SDTX No. 1671940

Edgar Saldivar

TX Bar No. 24038188

SDTX No. 618958

Adriana Pinon

TX Bar No. 24089768

SDTX No. 1829959

ACLU FOUNDATION OF TEXAS, INC.

P.O. Box 8306

Houston, TX 77288

Tel. (713) 942-8146

Fax (713) 942-8966

bklosterboer@aclutx.org

ckempf@aclutx.org

tbuser-clancy@aclutx.org

esaldivar@aclutx.org

apinon@aclutx.org

Derek R. McDonald

TX Bar No. 00786101

SDTX No. 18546

Maddy Dwertman

TX Bar No. 24092371

SDTX No. 3853795

BAKER BOTTS L.L.P.

401 S. 1st Street, Suite 1300

Austin, TX 78704

Tel. (512) 322-2500

Fax (512) 322-2501

Derek.McDonald@BakerBotts.com

Maddy.Dwertman@BakerBotts.com

Brandt Thomas Roessler

TX Bar No. 24127923

SDTX No. 3853796

BAKER BOTTS L.L.P.

30 Rockefeller Plaza

New York, NY 10112

Tel. (212) 408-2500

Fax (212) 408-2501

Brandt.Roessler@BakerBotts.com

Alison Andrews

TX Bar No. 24059381

SDTX No. 2247339

Emily Rohles

TX Bar No. 24125940

SDTX No. 3715273

BAKER BOTTS L.L.P.

910 Louisiana Street

Houston, TX 77002

Tel. (713) 229-1234

Fax (713) 229-1522

Ali.Andrews@BakerBotts.com

Emily.Rohles@BakerBotts.com

Attorneys for Plaintiffs

CERTIFICATE OF CONFERENCE

Counsel for Defendants Angela Colmenero and Warren Kenneth Paxton conferred with Plaintiffs about this Motion on September 18, 2023, and they agree with the Motion. Plaintiffs also notified all other Defendants of their intention to file this Motion on September 18, 2023, and no Defendant objected.

/s/ Brian Klosterboer

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September 2023, a true and correct copy of the foregoing document was served on all counsel of record via the Court's CM/ECF system.

/s/ Brian Klosterboer